

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR

# HOUSE BILL NOS. 1100 & 1421

## 97TH GENERAL ASSEMBLY

4118H.04P

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 196, RSMo, by adding thereto two new sections relating to food preparation.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 196, RSMo, is amended by adding thereto two new sections, to be  
2 known as sections 196.056 and 196.298, to read as follows:

**196.056. 1. A nonprofit organization may prepare food in a private home or other  
2 area for distribution to the end consumer at a charitable fundraising event.**

**3 2. The nonprofit organization may inform the consumer by placing a clearly visible  
4 placard at the serving location that the food was prepared in a kitchen that is not subject  
5 to regulation and inspection by the regulatory authority.**

**6 3. The nonprofit organization may notify the regulatory authority in writing or via  
7 electronic mail prior to the beginning of the event. If made, such notification shall include  
8 the following: name of the nonprofit organization; date, time, and location of the event;  
9 and name and contact information of the person responsible for the event.**

**10 4. This section does not apply to a food establishment regulated by the department  
11 of health and senior services providing food for the event.**

**12 5. Nothing in this section shall be construed to prohibit the authority of the  
13 department of health and senior services or local health departments to conduct an  
14 investigation of a foodborne disease or outbreak.**

**15 6. The provisions of this section shall not apply to any county with a charter form  
16 of government and with more than nine hundred fifty thousand inhabitants, any county  
17 with a charter form of government and with more than three hundred thousand but fewer  
18 than four hundred fifty thousand inhabitants, any county with a charter form of**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 government and with more than two hundred thousand but fewer than three hundred fifty  
20 thousand inhabitants, and any city not within a county. The provisions of this section shall  
21 not apply to any home rule city with more than four hundred thousand inhabitants and  
22 located in more than one county, any county with a charter form of government and with  
23 more than six hundred thousand but fewer than seven hundred thousand inhabitants, and  
24 any county of the first classification with more than two hundred thousand but fewer than  
25 two hundred sixty thousand inhabitants. The provisions of this section shall not apply to  
26 any county of the first classification with more than one hundred fifty thousand but fewer  
27 than two hundred thousand inhabitants.

196.298. 1. As used in this section, the following terms shall mean:

- 2 (1) "Baked good", includes cookies, cakes, breads, Danish, donuts, pastries, pies,  
3 and other items that are prepared by baking the item in an oven. A baked good does not  
4 include a potentially hazardous food item as defined by department rule;
- 5 (2) "Cottage food production operation", an individual operation out of the  
6 individual's home who:
  - 7 (a) Produces a baked good, a canned jam or jelly, or a dried herb or herb mix for  
8 sale at the individual's home;
  - 9 (b) Has an annual gross income of fifty thousand dollars or less from the sale of  
10 food described in paragraph (a) of this subdivision; and
  - 11 (c) Sells the food produced under paragraph (a) of this subdivision only directly to  
12 consumers;
- 13 (3) "Department", the department of health and senior services;
- 14 (4) "Home", a primary residence that contains a kitchen and appliances designed  
15 for common residential usage.

16 2. A cottage food production operation is not a food service establishment and shall  
17 not be subject to any health or food code laws or regulations of the state or department  
18 other than this section and rules promulgated thereunder for a cottage food production  
19 operation.

20 3. (1) A local health department shall not regulate the production of food at a  
21 cottage food production operation.

22 (2) Each local health department and the department shall maintain a record of a  
23 complaint made by a person against a cottage food production operation.

24 4. The department shall promulgate rules requiring a cottage food production  
25 operation to label all of the foods described in this section which the operation intends to  
26 sell to consumers. The label shall include the name and address of the cottage food

27 **production operation and a statement that the food is not inspected by the department or**  
28 **local health department.**

29 **5. A cottage food production operation shall not sell any foods described in this**  
30 **section through the internet.**

31 **6. Nothing in this section shall be construed to prohibit the authority of the**  
32 **department of health and senior services or local health departments to conduct an**  
33 **investigation of a foodborne disease or outbreak.**

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